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# MATTOLE RESTORATION COUNCIL

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November 16, 1998

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To All with the power to approve PALCO's HCP,

I am writing on behalf of the Mattole Restoration Council. Although we have many concerns about the entire HCP, the SYP and the EIS/EIR documents; about what it means to endangered species, and the forest community, we will restrict most of our comments to the issues that would affect the Mattole River watershed and the communities therein. The Mattole Restoration Council is dedicated to the restoration of natural systems within the watershed. The HCP/SYP does not relate to the watershed/bioregional perspective. For example: How will amnagement affect the Mattole watershed as a whole not just the PALCO ownership. Nothing in the HCP/SYP can be ecologically sound without this perspective.

First my comments are focused on the EIS/EIR that was drafted by your agencies as we realize that the fate of PL's HCP ultimately rests in your hands. When I include page numbers without a reference they are taken from the EIS/EIR document. This whole process, now that I've become more intimately familiar with it, is incredibly frightening. The idea that there could be a 50 year plan to take endangered species without possibility of change is nothing short of horrible. This HCP would take precedence over the Endangered Species Act regarding the survival and recovery of listed species. This is wrong. There exists a more sound method of continuing the harvest of timber along the northcoast without threatening endangered species, old growth forest communities, and human communities. This HCP/SYP does not have to be approved until there is no doubt that all necessary ingredients are in place. We are not the first to say that all the ingredients are not even mentioned, let alone accurate or substantiated. For now I will address the issues that affect the Mattole one by one, but please keep in mind that all of these issues interconnect and overlap.

The most confusing issue is that the exact amended HCP document is not available for public review. The EIS/EIR has integrated its comments should AB1986 be acceptable to MAXXAM but nowhere is there mention of what MAXXAM thinks about it. How can we make clear and comprehensive comments on such an important document without the ability for review of the real thing? Also the EIS/EIR gives three alternatives to the proposed project that is included in the impact review. Obviously the

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least impactive ecologically would be alternative number 3. But PALCO would never agree to this. There needs to be another, more feasible alternative. We support the Headwaters Stewardship Plan and would like to see an HCP that incorporates some of their ideas.

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**NEW PALCO LANDS:** Folks here in the Mattole are already upset that PALCO purchased 6,000 acres in the Mattole in 1998 (see attachment 1). This brings the total to 18,000 acres owned by PALCO in the Mattole watershed. There is much evidence to the fact that PL plans to buy up other timber lands in the Mattole. The issue that begins to surface is that there is no part of the HCP that includes further protections should more land be acquired. There is no part of the HCP that would protect any land in the Mattole. There must be some provision in the HCP to protect a percentage of their lands in the Mattole and a provision to protect a percentage of any lands acquired in the future.

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Another problem with this HCP is that it has the potential to turn PL into a land grabbing monster. Should the HCP be approved, it would be harder for the other smaller timber companies to compete. This HCP relaxes the restrictions, giving PL permission to do what other companies can't. The smaller companies in the Mattole might be financially forced to sell to PL. It is the same story that has happened to the family farms and the commercial fisherman. Unless you are the Big Wadoo, just maintaining a simple livelihood alongside such power becomes increasingly difficult. The Mattole Restoration Council is fundamentally opposed to this corporate power taking over our valley and the livelihoods of our residents.

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**PALCO REPUTATION:** How can this HCP/SYP even be under consideration for approval? Pacific Lumber has logged over 300 violations of the Forest Practice Rules since 1995, including more than 40 this year. These violations should make PL ineligible for the HCP process. It clearly states in the procedure:

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Upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless: (1) The applicant has been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction evidences a lack of responsibility. 50 CFR 13.21 (b)(1)

Some of their violations this year were direct criminal acts of the Endangered Species Act! PL clearcutted a Northern Spotted Owl nest site. They clearcut 500 feet of a stream buffer. These acts are criminal. As of November 10, 1998, CDF revoked PL's Timber Operator License. This company has proven itself to be of poor honor, forsaking the current Forest Practice Rules. Isn't this enough to deny the HCP? There needs to be clear prescriptive rules that state what can and can't be done to harvest timber in the HCP so that PALCO can be held accountable.

In the Mattole there is a strong community disfavor towards PALCO and its forest practices. In the first two weeks of August many residents participated in valiant efforts to stop two THP's in the Lower North Fork of the Mattole because they threatened to further degrade salmonid habitat and the homes of landowners downstream as the plan was on very steep slopes with a high degree of erosion potential, and close to a coho salmon stream. It has been the residents and interested parties all over the PL ownership that have

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pointed out PL's violations and poor planning. The National Marine Fisheries Service agreed that the two Mattole plans (THP 1-97-307, 1-96-413) had not dealt with mass wasting issues or the protection of the coho. Yet, it came back to the people to take the issue to court. Approving of this HCP will only escalate local tension towards PL. There is a better way.

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**DOUGLAS FIR OLD GROWTH:** The Mattole community will not tolerate sacrificing our old growth habitat for the sake of the Headwaters Deal which primarily inflates the profits of the MAXXAM Company. There are as many acres of Old Growth habitat owned by Pacific Lumber in the Mattole as would be protected in the Headwaters deal (see attachment 2).

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On page S-28 it is stated that only 13 acres of old-growth Douglas-fir will be protected in the MMCA's. Protection for endangered species, and wildlife in the MMCA's do nothing for the protection of species in the Mattole. We also have potential habitat for the marbled murrelet. But, more important, old growth values for old growth dependent species need to have zones of protection throughout the ownership because of the amount of acreage owned and the amount of acreage designated as old-growth. Under the heading "wildlife" on the same page it states that, "Additional late seral forest habitat remaining on the landscape would benefit late seral dependent species..." This "benefit" implies a gain of some sort when really the process is a take of species in other areas. The endangered species aren't benefitting by keeping only part of what they already have. Or do birds and critters not have a right to own their homes?

Old-growth Douglas-fir habitat is just as unique and important as old-growth redwood. There needs to be more Douglas-fir refugia on the ownership. The Mattole wildlife needs to have a refugia. If not, where then would all the species go?

**PUBLIC TRUST:** In my understanding of the HCP process, to succeed with an approved HCP, there must exist a respect and honor for the regulations and restrictions contained in the document by the company executing the plan. The California Forest Practice Rules (FPR) require that a Sustained Yield Plan (SYP) ensure the protection of threatened and endangered species. This HCP does not ensure this protection. Yet, if approved, how are we to trust this company to follow their own HCP when they haven't followed either the Forest Practice Rules or the Pre Permit Application Agreement in Principle? Some more recent violations include clearcutting in stream buffers (THP 1-97-004), overlogging in stream buffers (THP 1-97-212 and 1-98-075), clearcutting around spotted owl nest trees (THP 1-97-004 and 1-95-548) and driving their trucks through a fish-bearing stream (THP 1-97-401 and 1-97-428). These are examples of the same restrictions that the HCP would have in place. One of the reasons the violations continue is that PALCO still makes a big profit even after the paltry fine is paid. Why is PALCO continually being given a green light to further destroy public trust values? How are we to trust that this will not happen again and again as history has shown us? What type of monitoring process will follow the HCP approval? What will be their fine if shown to ignore the restrictions of the HCP? Will they lose their license to hire Gypos to harvest trees? You, who are involved in securing the public trust, will not make us very secure should the HCP be approved. If there was ever an HCP that shouldn't be approved, this is it. We, who are involved in trying to restore ecological values in our watersheds, know that the reason the HCP is attached to the SYP

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is that PALCO needs permission to kill endangered species and all those on their way to becoming endangered in order to proceed with its plan of production. Something is incredibly missing from this plan and from the intention of the applicant. There should be a clear statement of respect for habitat diversity and a sense of responsibility to restore degraded habitat. The purpose of the Endangered Species Act is to downlist the species by restoring their populations. This HCP clearly intends to bring species to the very brink of total extinction. It would be easier in their minds to not have to deal with them at all. The HCP must include a more comprehensive plan should the species reach such a threshold of significance. More responsibly the HCP must identify a recovery plan for each listed specie.

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There are ways to continue the harvest of timber while protecting old growth habitat, and the fragile riparian areas. The company can still manage for harvest over 100,000 acres. If they have cut faster than they can grow, it is not the public who should pay the price. Most every scientist and many individuals know that there has already been too much habitat degradation. What remains of unentered habitat needs to be protected. Existing endangered and threatened species need all they can get merely to survive into the next decade, let alone the next century. Before this can happen, though, there needs to be a broader commitment to on the ground planning and inspection.

**BUFFER ZONES:** Though AB 1986 increases protections in class I and II streams, it does not protect them once the watershed analysis has been completed. Who will do the analysis? Will there be funding allocated for on the ground inspections by the consulting agencies? More rigorous protections should stand uncontested for the sake of the salmonids. They will always need buffers along the streams. No-cut zones should be extended to the potential height of on-site conifers along all streams. And they should remain no-cut zones until the watershed has recovered as evidenced by abundant populations of coho and other salmonids, spotted owls, and the pre-logging diversity of native species.

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What about class III streams? Class III streams are very important to the integrity of the whole tributary system. They are thought to contain more than half of the biodiversity of a watershed. Yet, the only protections afforded them are an Equipment Exclusion Zone (except in the event that it can't be avoided). There is an exception to every restriction. Please ensure that clearly defined measures are enforceable. Cutting all the trees from class III channels can kill shade loving flora and fauna, alter stream channel, sometimes permanently, from heavy winter rains, which, can lead to sources of mass wasting and landslides. Please do not approve of such limited protections on class III streams.

**HILLSLOPE STABILITY:** Dr. Leslie Reid, a geomorphologist, with USDA/USFS and Redwood Sciences Lab, in her report to the NMFS regarding hillslope stability clearly states, "...the issue of slope stability near channels in the area, as data included in the report on Bear Creek prepared for Pacific Lumber Company by Pacific Watershed Associates (1998a) demonstrate that landsliding rates increase by a factor of 3 to 4 where slopes within 200 feet of channels are logged, apparently irrespective of the silvicultural method employed (Reid 1998a)." The HCP does not take into account differences in average slope, soil types, and geologic activity. Geologic information, in general, is either lacking or incomplete. It is well known that the Mattole lies almost on top of the Triple Junction

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earthquake fault. Combine this with our steep slopes (up to and exceeding 100%), unstable soils, and torrential annual rainfall (up to 200 inches) and you get a very vulnerable hillslope. Fortunately the trees provide stability and these steep slopes were not viewed as prime timber zones for these reasons. Unfortunately, most of the more available timber has already been logged and now they want the rest, wherever it is.

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Taking the trees from these steep, vulnerable slopes can easily lead to debris torrents, intensifying the mass wasting effect. Mass wasting is one of the major sources of sedimentation. The Mass Wasting Avoidance Strategy in the HCP would allow PALCO to hire a sympathetic geologist to write a report on an area with mass wasting potential saying that clearcuts would not increase the risk of slope failure. This report could allow them to construct roads across "extreme" mass wasting potential areas. YIKES! There has to be a peer review of third party experts before approval of any THP in an area with mass wasting potential. And, the peer review absolutely must have the authority to stop a plan. It should not be left up to CDF in Santa Rosa, they are not the experts, nor the ones in the field. The HCP also does not take into consideration that it takes 8 years for Douglas Fir stumps to begin to rot. Their Disturbance Index for impacts from logging only lasts 10 years. Stumps that are finally rotten, on steep slopes, can initiate landslides in saturated ground 12, 15, even 20 years after the logging show.

According to the EIS/EIR, "Sediment production from landslides in the watershed (Mattole), ft/mi/yr, is the highest in all of northern California. The high surface erosion rate is not surprising, given that the watershed in being uplifted by 6 to 10 feet every thousand years (Merritts and Vincent, 1989)." (page 3.6-13 EIS/EIR). It goes on to quantify the extreme to moderate erosion hazard ratings along the ownership. Yet, these potentials for further erosion are not being taken into consideration in the HCP. There should be no logging of steep slopes in the Mattole until the river again runs clear, deep and bounding with fish. The chart on page 3.6-18 says it all.

**ROADS:** The SYP proposes over 400 miles of new road construction. This is far too much as higher road densities directly relate to habitat destruction. We want the HCP to specify where these new roads will be. Our roads in the Mattole will not be evaluated under the proposed HCP until the third decade. For a Tier One (NCRWQCB) watershed to wait while PL's roads continue adding sediment to the system is a crime. The CA DFG instituted a Zero Net Discharge (ZND) of sediment regulation for the entire Mattole watershed. Yet, there is no priority to repair the problems before making new ones? PALCO should construct no new roads in the Mattole until the process for ZND is tailored complete with protocol, prescriptions and mitigations, and monitoring. As happens so often in other areas, the monitoring of THP's has not been addressed, let alone accomplished. From page 3.6-20, "After timber harvest and road building, however, surface erosion has been shown to be significant, decreasing site productivity and affecting spawning gravels." The steep slopes of the North Fork of the Mattole should not have any new road construction.

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**BANK STABILIZATION:** The HCP as proposed would still allow the cutting of trees in the riparian management zones. This affects bank stability and, in turn, affects the survival of coho salmon. In order to provide for bank stability, there should be no logging on steep slopes and no logging in the riparian zone. The proposed no-cut zone for class I and II streams is only 30 feet and yet, still allows harvest to "enhance riparian function". This

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condition could lead to broad interpretation. It is absolutely vital for bank stability, for aquatic species, and for stream integrity that the length of the no-cut zone be extended to a full site potential tree. "Diverse assemblages of woody and herbaceous plants may be more effective in maintaining bank stability than assemblages dominated by a single species; woody roots provide strength and a coarse root network, while fine roots fill in to bind smaller particles. The root matrix promotes the formation of undercut banks, an important habitat characteristic for many salmonids (The ManTech Report, 3.9.2)." Reeves et al. (1993) found "that wood is a primary element influencing habitat diversity and complexity in streams. Consequences of decreased amounts of wood include loss of cover and structural complexity, decreased availability and abundance of habitat units and reduced varieties of current velocities and other hydraulic features."

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The proposed HCP lacks habitat guarantees that would provide large woody debris and prevent the slumping of banks from logging impacts. According to Peter Moyle, Professor of Fish Biology at UC DAVIS in his comments on this HCP (November 1998), "A conservative course of action for the PALCO lands, given their extreme fragility, would be to have an RMZ that would have a high probability of protecting the fish in the face of environmental and informational uncertainty." He also suggests a no-cut zone based on the "maximum height of local site-specific trees."

**STREAM INTEGRITY:** The proposed streamside buffers, even those from AB1986, are not sufficient to provide protection for the Coho salmon, other aquatic creatures, nor the integrity of the stream channel itself. Watershed assessment should happen before approval of this HCP. According to page 1-10, "A SYP consists of a sustained timber production assessment, a fish and wildlife assessment and a watershed assessment." Why are we being asked to review an incomplete SYP? There is time. PALCO needs to take the time to assess the various watersheds before approval of such a long-range plan. The watershed assessment needs to include peer review by third-party scientists to ensure objectivity and expertise. Monitoring protocol, and stream assessment data for managing protection and enhancement of the beneficial uses of water are insufficient in the HCP. Instream monitoring, as proposed, has not been sufficiently defined. Assessment of habitat structure with accompanying appropriate action for recovery is absent. Need I say more? I will anyway.

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**COHO SALMON:** The HCP asserts that the status and trends of the Coho on the PALCO ownership are unknown. Data from the DFG shows that Coho are largely absent from watersheds that have been consecutively harvested by PALCO. In some of the CalWater planning units over 80% of the land has been harvested in a decade. Studies from Oregon suggest that no more than 25% of a watershed should be disturbed in a decade to maintain diverse salmon communities. Contrary to the HCP, the plan will not have a "substantial positive impact on coho salmon populations on PALCO ownership" (page 71, HCP). They are applying for take of the species and outline the potential impacts on page 36. They directly contradict themselves.

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The California Forest Practice Rules require that impacts to species sensitive to the effects of timber operations must be mitigated to a level of **insignificance**. This is not being done. PALCO has not even kept its record clean since the Pre-Permit Agreement in Principle. The restrictions in the HCP will produce impacts to the coho in the Mattole. The slopes in

many areas are too steep and prone to failure. In the Coho Salmon Considerations (1997), page 9 it "attempts to describe habitat relationships so that conservation measures can be applied during timber operations in order that coho habitat value, or its rate of recovery towards desirable conditions is not diminished." Further down it clearly states that, "delayed impacts are still direct impacts". Both these references are used to show that the listing of the coho has given direction to improve timber practices, unfortunately the attempts have and will lead to impacts.

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Pacific Lumber in its plans 1-97-307 and 1-96-413, approved in 1998, are caught in a legal battle about whether there is coho in existence or not. According to the above statement, even if there were not coho (and according to Kier and Associates, there are), pains should be taken to ensure recovery. This is not being done. The HCP data is clearly wrong. The table on page 3.8-24 show no Chinook or Coho except one Chinook in the Upper North Fork. Compare this to the Kier report (attachment 3). Clearly PL did not take the time to adequately survey, and therefore include the best available scientific data. How, then are we to trust the rest of the document?

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On page 22, of the Coho Considerations it states, "Increased temperature is not only a local phenomena but can have direct and cumulative effects throughout a basin." In reading PL's THP's there is a lack of adequate discussion of the cumulative effects of the Mattole River. This needs to be included in the HCP. Also needed in the HCP is a discussion of downstream effects including the Mattole estuary which is a sensitive fish rearing area.

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The proposed management of the coho is fatally inaccurate. Temperature data is inaccurate. Coho salmon assessment is inaccurate and should take into consideration a discussion of existing conditions as compared to historic conditions. Pacific Lumber wildlife biologist Jeff Barrett unequivocally stated in federal court October 21 (EPIC versus PALCO) that coho did not exist on their lands in the Mattole. The next day when questioned in court why they had included in their Sulphur Creek THP'S that they were coho streams, Barrett replied that Barry Dobosh (PL RPF) told him they had to include coho because "Fish and Game would be all over them if they didn't." This is just another example that supports the inaccurate, misleading, opportunistic information presented by PALCO.

The HCP as proposed would generate sediment into the system thereby affecting the fragile recovery of salmonids because it proposes to clearcut steep, unstable slopes, in an area rife with torrential rainfall and earthquakes, and because it does not afford enough protection in the riparian management zones. Recent studies in streams on the Olympic Peninsula in Washington found that if more than 13% fine sediment intruded into the redd, no steelhead or coho salmon eggs survived (McHenry et al., 1994). According to the ESA, federal agencies may not approve HCP's that are likely to jeopardize the survival and recovery of endangered species. Where is the recovery plan for the coho salmon included in this HCP? The "best available information" (4.5.1.2) is not good enough, there needs to be a proactive plan for recovery. However, with all the available scientific data that we have read and referenced that was not included in the HCP we find this HCP unscientific, unacceptable, and inaccurate in providing for protection and recovery of the coho salmon.

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page 7

**EVERY PHOTO TELLS A STORY:** The Upper and Lower North Forks of the Mattole River, both of which include extensive Pacific Lumber holdings and activities, are two of the most severely impacted waterways in all of the Mattole (See photo page, attachment 4). The widening and increased sedimentation at the mouths of both forks are direct examples of the cause and effect of poor PALCO logging practices. How can you give them license to do further damage to our watershed? The lower Mattole is suffering from cumulative effects. So many groups, individuals and agencies have been working to improve and restore the health of the Mattole since the early 80's. The Pacific Lumber Company's proposed HCP/SYP is the biggest impediment to this process! The last photo on the page reveals the lower mile of the river and its mouth. Because so much sediment has been generated by both the Upper and Lower North Forks of the Mattole, the lower stretch which is critical for salmonid migration, is severely sediment impaired. In the summer months the mouth of the river closes and an estuary thick with sediment bakes in the sun. This summer it was warmer in August than last summer which can be lethal for the remaining salmonids. Please, we don't want any more silt in the system.

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The California Department of Fish and Game requires that any land management activity in the Mattole watershed be designed with an overall objective of Zero Net Discharge (ZND). Unfortunately, implementing and evaluating this process has been difficult. Though CDF needs to take this restriction into consideration there has been no move to establish protocol for ensuring ZND. According to Dr. Leslie Reid, a geomorphologist, with USDA/USFS and Redwood Sciences Lab, in her report to NMFS (August 1998): "The temporal balance of the sediment budget is extremely important because of the nature of cumulative impacts to salmonid habitat: adverse habitat modifications are very much easier to prevent than correct. Once a sediment-related impact has occurred, the system may take years or decades to recover...When an endangered species is involved, the temporal balance is even more important; if "temporary" adverse modifications are sufficient to destroy a stock, then there will be no recovery of the species even when the habitat itself recovers." Please ensure that ZND protocols be established and incorporated in the HCP, as proposed it will lead to further sedimentation, and habitat degradation.

**SENSITIVE AMPHIBIANS:** Extensive research of the Mattole's amphibians has been executed by Hartwell Welsh, leader of the U.S. Forest Service herpetology group at the Redwood Sciences lab in Arcata, CA. According to Welsh, the studies of the Mattole indicate that both the Southern Torrent Salamander and the Tailed Frog are now at extremely low levels in the basin and restricted to the remaining old growth forest habitat. Both species are site based and are very vulnerable to any impact of their riparian habitat. Increases of fine sediment negatively impact both species. Both species need clear, cold water streams to survive. These are attributes of old-growth refugia, which are not provided for in PALCO ownership in the Mattole. Under the "No Surprises" policy, in fact, Pacific Lumber will not have to provide any additional protection for these and over 30 other species for the next 50 years. This is an inappropriate and unscientific approach to habitat conservation.

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**LISTED RIVER:** The Mattole is incompletely listed in the HCP volume 1, page 5 as being sediment impaired by the NCRWQB. It is also listed as temperature impaired. A very important distinction as it relates to protective measures in stream canopy closure.

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**PRECIPITATION:** In the Mattole we have one of the highest annual rainfall averages of anywhere on the northcoast. The figures in the EIS/EIR are an understatement. Our rainfall figures can reach up to 200 inches in some areas. This drastically influences the chances of landslides and mass wasting. Combined with periodic earthquakes, a high percentage of steep slopes in the PALCO ownership of the Mattole, the proposed HCP spells a recipe for disastrous erosion. "The timing, frequency and type of precipitation influences the rate and yield of sediment delivered to stream channels...Runoff energy is highest on steep slopes with greater slope length, which increase the volume and velocity of water moving downslope. Failures that occur on lower areas of the hillside nearer streams have a greater potential for reaching the stream...Mass wasting occurs with high frequency in the western Cascades and Coast Range (The ManTech Report 3.4.3 & 3.4.4)." I quote this scientific report because although it is true that Pacific Lumber cannot be held accountable for precipitation rates it is crucial that it be taken into consideration as a site specific influence in the management of their lands. The entire Mattole basin is subject to extreme, unrelenting downpours of rainfall almost every year. Hence, there should not be any winter logging in the Mattole. There should not be any logging on slopes over 65% at this time of critical watershed recovery.

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**MARBLED MURRELET:** Marbled Murrelets are endangered and are declining at a rate of 6% annually. The HCP plans a further reduction of 18-23%. Surveys described in the HCP are not adequate for the Mattole, where Murrelet habitat exists. Ocean surveys off the coast of the Mattole have reported murrelets yet, no surveys were described for the forests on the mainstem Lower North Fork and west of Taylor Peak, where there are large Douglas-firs with large moss-covered limbs. In Appendix N, page 17, the conclusion clearly states that, "existing data for the marbled murrelet are inadequate for meaningful modeling of population response to potential changes in population parameters. It will be many years before sufficient data are produced..." There you have it. In the absence of such data, it would be irresponsible and potentially unlawful to approve this HCP.

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**BIRDS of PREY:** The HCP plans to destroy 16 of the 147 known Northern Spotted Owls on their property. We in the Mattole are unwilling to accept this additional blow to our owl population which is already endangered. It is a violation of the Endangered Species Act. The HCP allows the population to fall far below the listed state before a change in protections is developed. To list a species as endangered is to protect them, enhance their habitat, so that recovery will downlist them, not push them further to extinction. Further protections should be given to ospreys, heron, sharp-skinned hawks, northern goshawks, and golden eagles. The HCP allows less protection than the Forest Practice Rules! Active nest sites should be protected at all costs, during all seasons. These are threatened species and need to be treated as such.

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**TIMBER HARVEST PLANS:** According to the HCP, where appropriate, NMFS and USFWS and DFG will be consulted in the event that a THP is in an area of extreme mass wasting potential. But CDF still retains the authority to decide. PALCO ownership in the Mattole includes many sites of extreme mass wasting potential. Despite recommendations to the contrary by NMFS (THP 1-97-307, 1-96-413), plans in the Mattole have been approved by CDF. We feel very disappointed in CDF as a whole in the way they have responded at the state and regional level. There have been plans approved in the Mattole against the local CDF's recommendation! Why can't NMFS and USFWS, being federal agencies in

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charge of federal public trust values, override the authority of CDF who have a complacent and surrendering attitude in the approval of THP's? Historically those agencies that can have input in the THP Pre-Harvest Inspection (the most accurate way to review); the CA Department of Fish and Game, the NCRWQCB, only participate in 10% of all the plans. You need to ensure the public that the public trust agencies have the staff and funding to participate in THP's. There needs to be better field review, better monitoring, and severe consequences for companies that knowingly break the forest practice rules. New, enforceable standards for all timber operations need to be adopted before approval of any SYP or HCP. There needs to absolutely be a checking and balancing system for approval of THP'S. No one agency should hold absolute power in this crucial matter.

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**HERBICIDES:** Since CDF does not handle the herbicide issue, who will? On page S-29 in the EIS/EIR under Herbicides, it states that this HCP "would reduce the amount of herbicide application on the PALCO ownership". However, given the 1997 PALCO acquisitions in the Mattole and the possibility of future acquisitions, herbicide use in the Mattole will increase substantially. Herbicide use is one issue that most residents and landowners agree on; people would be thrilled to see it phased out. Pacific, Gas and Electric Company agreed because of local outcry to discontinue use of herbicides in the Mattole in its roadside management. The Mattole Restoration Council wrote a letter to Pacific Lumber asking for alternatives and recieved no reply (See attatchment 5). This is another example of poor community relations on the part of PL.

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In the EIS/EIR it states that PL is "seeking" other herbicides than atrazine because of the potential for groundwater contamination from atrazine, BUT it still applies for use of atrazine in the HCP. The fact that PL is not ready to fully change for the better knowing harmful effects is apparent in this example.

On page 3.14-11, at the top, it states that, "More research is needed on the cumulative effects of forest herbicides to assess the impacts on parameters such as water quality, human health, invertebrates, amphibians, reptiles, wildlife, and biodiversity (Neary et al., 1993)." Why then would the agencies give permission to use herbicides for 50 years knowing that enough research for protection of LIFE has not been done? Both Roundup and Accord, used by Pacific Lumber, are known to bind to soil particles. In the event of any erosion, they contaminate the streams. How come they use these herbicides when there has been so much erosion on their deforested lands? Garlon 4 is one of the most frequently used herbicides by PL, and it states in the EIS/EIR, "one study indicated that Garlon 4 is slightly toxic to salmonids of the Pacific Northwest.." All of these herbicides are being applied for use in this HCP. Please, do not approve of the use of herbicides by PL. The communities of the Mattole absolutely do not want this threat of contamination. There is another local timber company, Eel River Sawmills, who do not use herbicides. It can be done. And manual release as an alternative to herbicides would increase the employment opportunities. On page 3.14-20, the agencies end with a list of recommendations for herbicide use. How can you be sure these recommendations will be implemented? Many of the preferred swimming spots of the lower Mattole are immediately downstream of PL lands. It is essential that herbicides not be incorporated in the plan. Even the state forests in CA have decided to not use herbicides. What about impact to sensitive, threatened and endangered species? The very last line reads, "the impact of herbicide use on covered species is not considered to be mitigated to insignificance." Please, please, please do not

page 10

allow herbicide use. It is your duty to protect endangered species, water quality, and those who live down and instream.

MRC-  
24  
CON.

**WILDLIFE VALUES:** Monitoring protocols for wildlife are inadequate. The HCP as proposed does not adequately protect "the riparian management zones, which are extremely important to wildlife" (The ManTech Report 3.9.8). The "No Surprises" clause allows for take of all the rest of the species in existence in the ownership and downstream, except those that are endangered right now. This is fundamentally wrong: to protect the interests of a huge, wealthy corporation at the expense of diversity.

MRC-  
25

**1603 AGREEMENT:** We strongly oppose this 5 year master 1603 agreement (page 1-13). Is this a part of the HCP process? If it is, it is horrible because it allows PL to substantially divert or obstruct waterways. Though this could be used for fish rearing, etc. it is not clear. For any 1603 agreement, there must be a detailed proposal for where, when and what will happen.

MRC-  
26

**SYP SPECIFICS:** The data and predictions in the SYP are vague and need to be more sight specific. Why does the first decade of logging only include four years? Why use the word decade? This kind of strategy of cutting more in less time and hiding it in syntax is poignantly revealing PALCO as who they really are: cheaters. They cheat on the Forest Practice Rules, they cheat on endangered species, and they cheat on their own employees. Please do not approve of a cheaters' HCP/SYP. This one affects the lives and well being of too many.

MRC-  
27

The SYP plans to construct 150 of the 400 miles of new roads in the first four years (decade). There should be a decrease in impacts now because the landscape is so vulnerable from past human effects. The new roads are proposed to give them access to the remaining timber. The SYP proposes to cut too much too fast. only slowing when there is nothing left to cut and they have no choice.

MRC-  
28

The "Disturbance Index" is inaccurate and misleading. It vaguely assumes that effects from logging will diminish in a linear fashion within a ten year time period. Often it takes ten years for the stumps of big trees to rot and give way, which, if on a steep slope like so many in the Mattole, could easily lead to landslides. Even the USFS analyzes erosion from roads built for logging over a 30 year time period.

MRC-  
29

Not only is their "best available science" inaccurate and misleading, but their mathematics are too. On page 29 of the HCP (vol. 1) in table 9 the math does not calculate. Beginning with decade 1 the MBFN at inventory is 5,004,554. After adding the MBFN growth at 177,465 and subtracting the harvest MBFN of 233,519 the total should be 4,788,500. However at the beginning of the second decade their figures show the MBFN at 4,453,995. What happened to the other 335,000 MBFN? If PALCO cannot even check their math in something as important as this 50 year document, how can they be trusted to harvest according to their plan even if approved?

MRC-  
30

The SYP also intends to log at a rate that is 32% higher than growth over the first decade (four years!). This is not sustainable by any stretch of the English language. Under the proposed SYP, PL plans to clearcut 34,720 acres. They plan to clearcut all they can in our watershed, which at this time is about 9%.

MRC-  
31

Finally, when important scientific information is missing or not accounted for, an HCP should not be approved. There is too much at stake.

Sincerely,



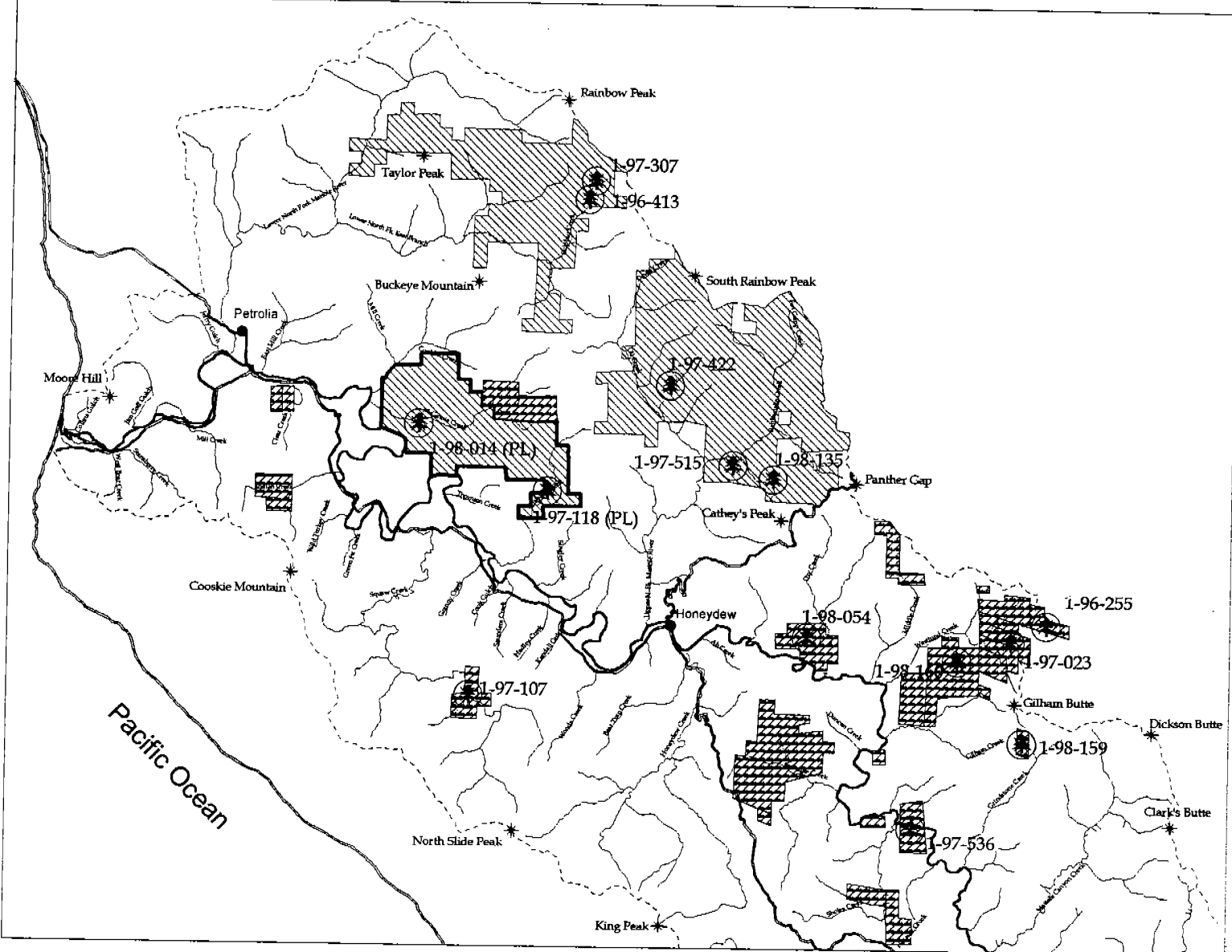
Ali Freedlund  
Mattole Restoration Council

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- CA Department of Forestry and Fire Protection, Coho Salmon Considerations For Timber Harvesting Under the Forest Practice Rules. 1997
- "The ManTech Report" by Spence, Lomnický, Hughes and Novitzki. 1996 An Ecosystem Approach to Salmonid Conservation. TR-4501-96-6057. Man Tech Environmental Research Services Corp., Corvallis OR.
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- PWA [Pacific Watershed Associates]. 1998a. Sediment source investigation and sediment reduction plan for the Bear Creek watershed, Humboldt County, California. Report prepared for the Pacific Lumber Company. Pacific Watershed Associates, Arcata, California.
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- Reeves, G.H., F.H. Everest and J.R. Sedell. 1993 Diversity of Juvenile Anadromous Salmonid Assemblages in Coastal Oregon Basins with Different Levels of Timber Harvest. Transactions of the American Fisheries Society. Volume 122, No. 3. May 1993

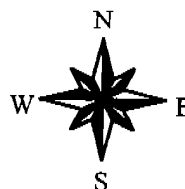
# Corporate Timber Harvest in the Mattole Watershed

## PALCO Acquired 3,800 Acres in 1998



### Legend

- Current Industrial Timber Harvest Plans
- Coast
- Mattole Watershed
- Mattole River
- Mattole Tributaries
- County Roads
- Eel River Sawmills Ownership
- New Mattole PALCO Ownership (3,800 Acres)
- Previous Pacific Lumber Co. Ownership
- Towns

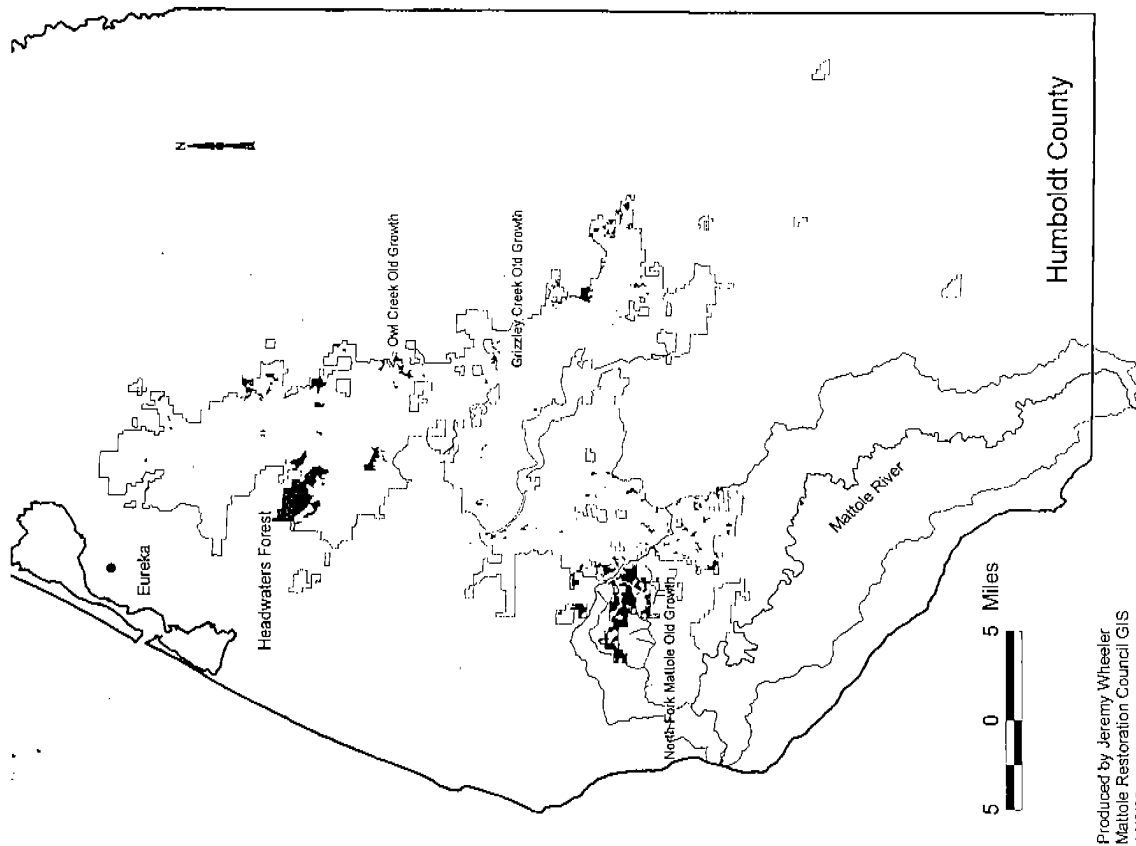


1 0 1 2 3 4 5 6 7 Miles

Produced by Jeremy Wheeler  
Mattole Restoration Council GIS  
August 25 1998

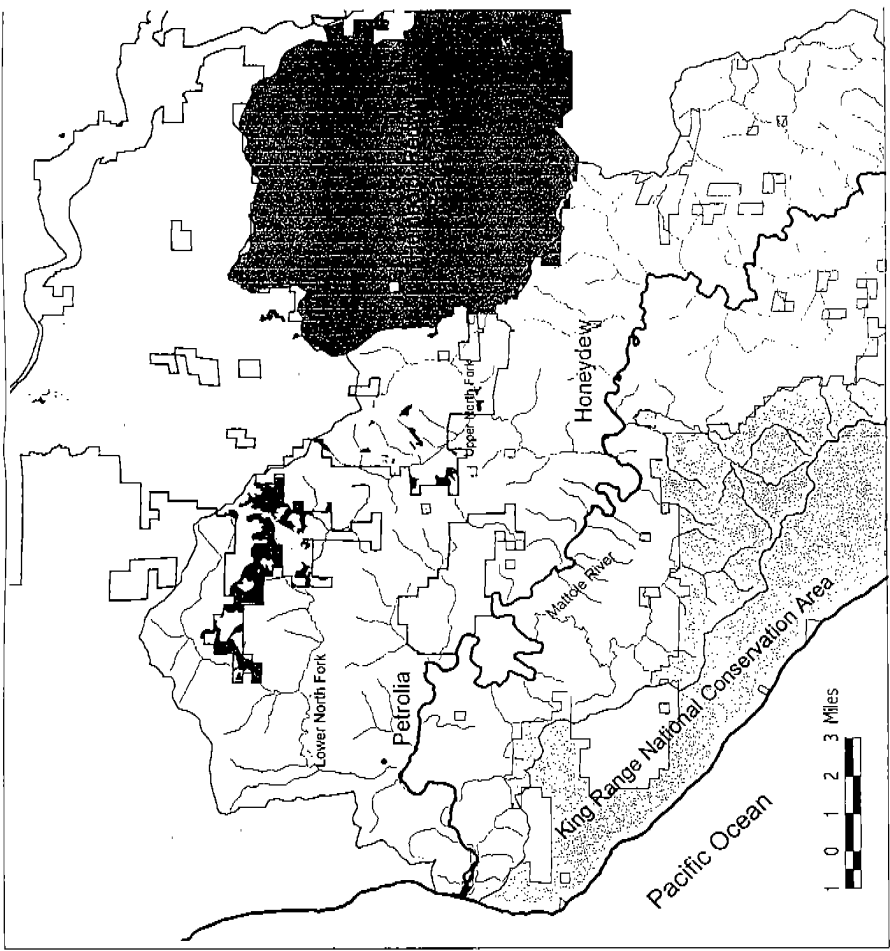
ATTACHMENT 1

# Maxxam Old Growth Holdings in Humboldt County



Produced by Jeremy Wheeler  
Mattole Restoration Council GIS  
11/9/98

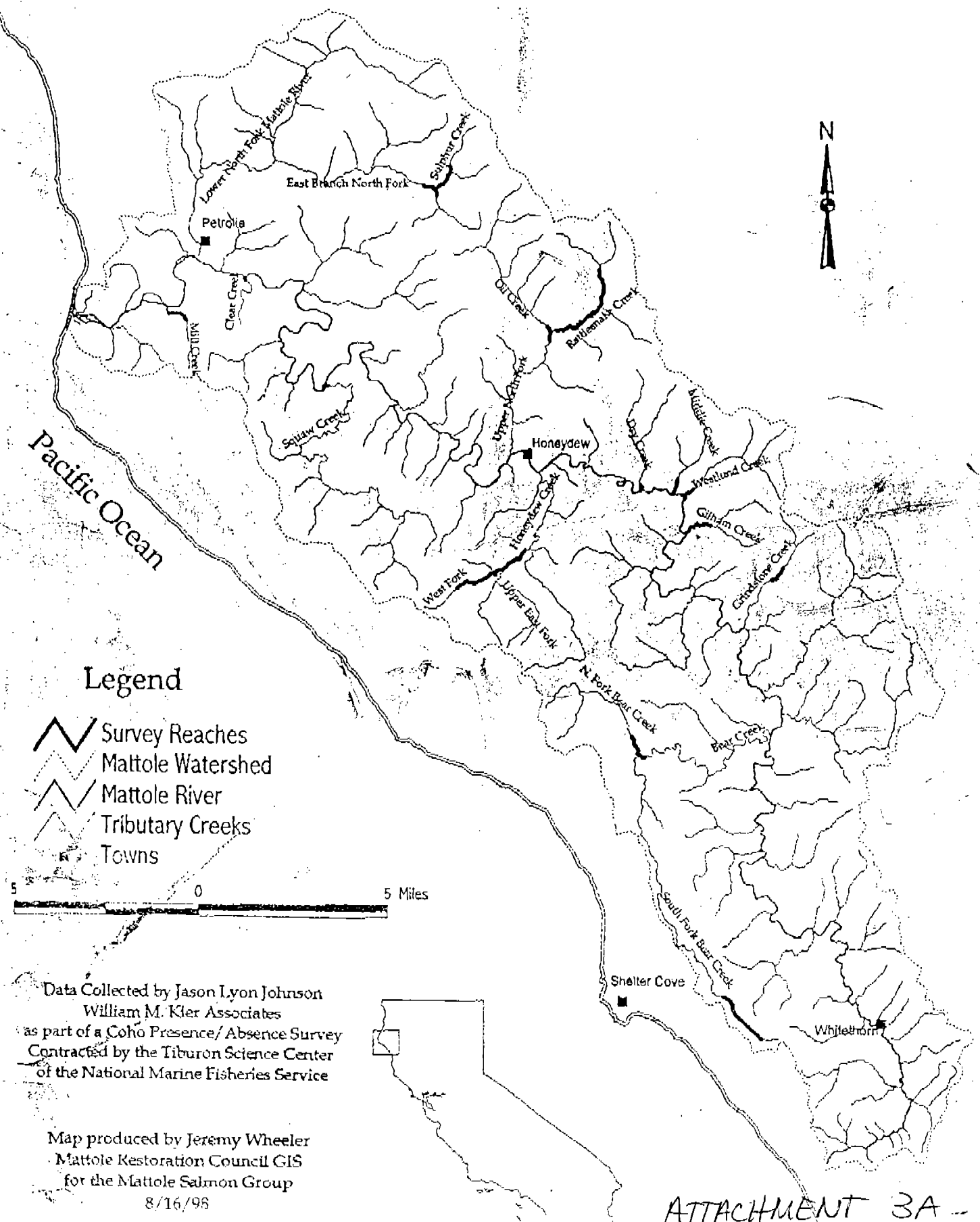
# Maxxam Old Growth Holdings in the Mattole River Watershed



## Legend

- Mattole Watershed
- Maxxam Ownership
- Mattole Watershed Grasslands
- Maxxam-owned old growth
- BLM ownership
- Humboldt Redwoods State Park

# Summer 1998 Mattole Watershed Coho Survey

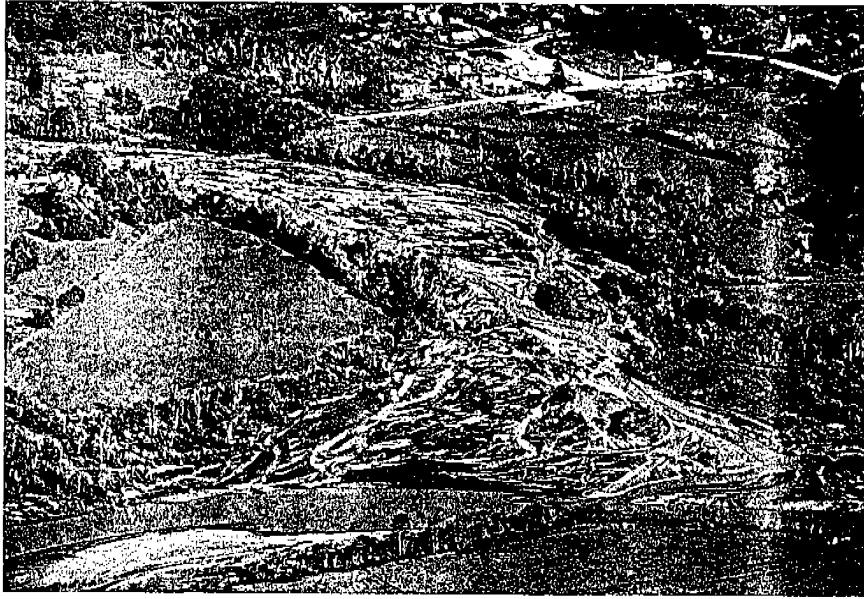


# Summer 1998 Mattole River Dive Data

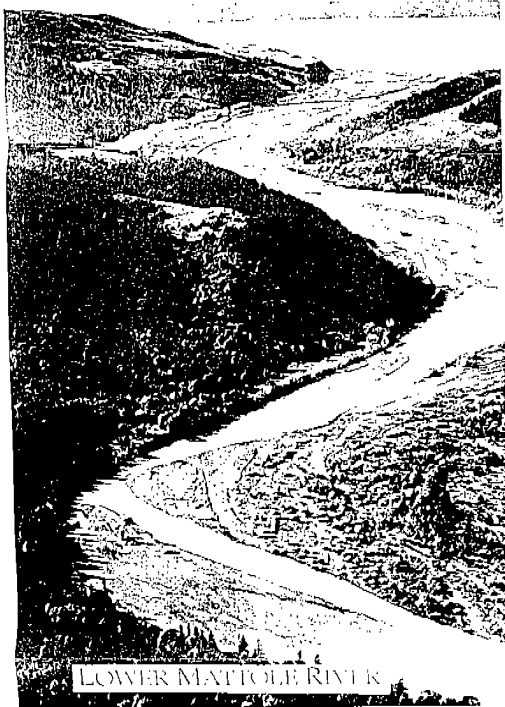
Collected by Jason Lyon Johnson, William M. Kier Associates, as part of a Coho Presence/Absence Survey  
Contracted by the Tiburon Science Center of the National Marine Fisheries Service

Location	Species/ Age Class	Number Observed	Pools Surveyed
Mill Creek	Coho 0+	57	3
	Steelhead 0+	14	
	Steelhead 1+	11	
Clear Creek	Coho 0+	30	1
	Steelhead 0+	0	
	Steelhead 1+	1	
Squaw Creek	Coho 0+	89	2
	Steelhead 0+	2	
	Steelhead 1+	9	
East Branch Lower North Fork	Coho 0+	279	3
	Steelhead 0+	42	
	Steelhead 1+	71	
Sulphur Creek	Coho 0+	66	5
	Steelhead 0+	15	
	Steelhead 1+	37	
Rattlesnake Creek	Coho 0+	55	3
	Steelhead 0+	16	
	Steelhead 1+	0	
Oil Creek	Coho 0+	54	2
	Steelhead 0+	0	
	Steelhead 1+	4	
Upper North Fork	Coho 0+	29	2
	Steelhead 0+	0	
	Steelhead 1+	8	
Upper East Fork Honeydew Creek	Coho 0+	4	7
	Steelhead 0+	22	
	Steelhead 1+	38	
West Fork Honeydew Creek	Coho 0+	7	3
	Steelhead 0+	0	
	Steelhead 1+	13	
Dry Creek	Coho 0+	5	1
	Steelhead 0+	0	
	Steelhead 1+	0	
Middle Creek	Coho 0+	35	2
	Steelhead 0+	7	
	Steelhead 1+	3	
Westlund Creek	Coho 0+	6	1
	Steelhead 0+	1	
	Steelhead 1+	3	
Gilham Creek	Coho 0+	1	6
	Steelhead 0+	0	
	Steelhead 1+	6	
Grindstone Creek	Coho 0+	16	3
	Steelhead 0+	0	
	Steelhead 1+	5	
North Fork Bear Creek	Coho 0+	5	1
	Steelhead 0+	0	
	Steelhead 1+	3	
South Fork Bear Creek	Coho 0+	23	4
	Steelhead 0+	8	
	Steelhead 1+	9	
Mainstem Bear Creek	Coho 0+	2	1
	Steelhead 0+	2	
	Steelhead 1+	2	
Mainstem Mattole At Squaw Creek	Coho 0+	15	1
Mainstem Mattole At Westlund Creek	Chinook	30	
	Coho 0+	100	
	Steelhead 0+	225	
	Chinook 0+	250	





LOWER NORTH FORK  
MATTOLE RIVER  
MOUTH



LOWER MATTOLE RIVER



UPPER NORTH FORK  
MATTOLE RIVER (MOUTH)

MT. MATTOLE RIVER

# MATTOLE RESTORATION COUNCIL

Post Office Box 160 • Petrolia California 95558 • (707) 629-3514

April 2, 1998

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Tom Herman  
Pacific Lumber Co.  
PO Box 37  
Scotia, CA 95565

Dear Mr. Herman,

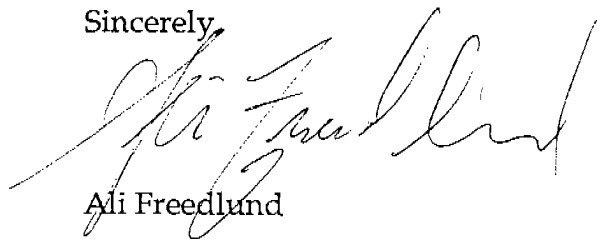
We are writing today to request that Pacific Lumber phase out the use of herbicides on its holdings in the Mattole River watershed. In the past decade, residents of the north coast have become more educated about the use and effects of herbicides in our communities, and have taken time to learn about alternatives to these agents. In light of the recent decision by PG&E to phase out herbicide use, we feel that it is reasonable to ask Pacific Lumber to consider the same.

The Mattole Restoration Council is a watershed restoration group which has been working to restore natural systems in the Mattole watershed since 1986. We appreciate the help you have provided with the recruitment of large woody debris in the estuary. We would now like to ask that Pacific Lumber phase out herbicides on company lands in our area.

As you may be aware, many residents of the Mattole obtain their drinking and irrigation water downstream from your holdings. Some residents have become concerned about herbicide residues entering the drinking water supply that they depend on. Another concern voiced is that herbicide residues may affect non-target species, particularly the imperiled salmonids of our watershed.

We hope that we can work with you on this issue. Herbicide use is being phased out all across northern California. Agencies and companies as diverse as CalTrans and PG&E have agreed to stop using herbicides because of the chemicals' questionable safety. We are hoping that you will consider the same for the Mattole watershed. We look forward to hearing from you on this issue.

Sincerely,



Ali Freedlund

ATTACHMENT 5